

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic	
Subject 3.20.01 Air transport and air freight 3.20.01.01 Air safety	
Legislative priorities The EU's response to the Covid-19 pandemic	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		
Council of the European Union	Commission DG	Commissioner	
European Commission	Mobility and Transport	VĂLEAN Adina-Ioana	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
16/12/2020	Legislative proposal published	COM(2020)0818	Summary
21/01/2021	Committee referral announced in Parliament, 1st reading		
21/01/2021	Decision by committee, without report		
11/02/2021	Results of vote in Parliament		
11/02/2021	Decision by Parliament, 1st reading	T9-0048/2021	Summary
15/02/2021	Act adopted by Council after Parliament's 1st reading		
16/02/2021	Final act signed		
16/02/2021	End of procedure in Parliament		
19/02/2021	Final act published in Official Journal		

Technical information	
Procedure reference	2020/0358(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2; Rules of Procedure EP 163
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/04927

Documentation gateway					
Legislative proposal		COM(2020)0818	16/12/2020	EC	Summary
Document attached to the procedure		SWD(2020)0341	16/12/2020	EC	
Text adopted by Parliament, 1st reading/single reading		T9-0048/2021	11/02/2021	EP	Summary
Draft final act		00001/2021/LEX	16/02/2021	CSL	
Commission response to text adopted in plenary		SP(2021)133	23/03/2021	EC	

Final act
Regulation 2021/250 OJ L 058 19.02.2021, p. 0001 Final legislative act with provisions for delegated acts

Temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic

PURPOSE: to grant aviation stakeholders temporary relief from airport slot use requirements at Community airports for the summer 2021 scheduling season in the context of the COVID-19 pandemic.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: due to the decline in passenger demand caused by the COVID-19 pandemic, air carriers have made major changes to their schedules since 1 March 2020, which have resulted in a slot utilisation rate at coordinated airports falling far below the 80% threshold imposed by the Slot Regulation. This situation is likely to continue to negatively impact air carriers up to and including winter 2024/2025.

For the period starting after more than a year of waiving the use-it-or-lose-it rule (from 1 February 2020 to 27 March 2021), which preserves air carriers 2019 grandfathered slots until the end of the winter 2021/2022 scheduling season, the Commission proposes to establish a pathway to return to a normal application of the use-it-or-lose-it rule.

The return to normal should not be sudden to avoid destabilising the aviation market to the detriment of air carriers, connectivity, EU consumers, and the environment. It should take place in line with future increases in traffic levels toward 2019 levels or by a stabilisation of air traffic to a new market situation.

CONTENT: the Commission proposes that from the start of the summer 2021 scheduling period, the normal application of the slot utilisation requirements of the Slot Regulation should reapply, but that the rate should be set at 40/60 % instead of 80/20 %.

Relief should be targeted at air carriers whose intention is to operate their grandfathered slots as soon as demand sufficiently recovers and flights are once again economically viable. Consequently, slot series newly allocated to an air carrier for the first time would not be covered by the planned relief.

The proposal foresees a deadline for air carriers to return unwanted slots to the coordinator if they want to benefit from the relief. A deadline of

three weeks before the planned operational date for that slot would give airports and other airport service providers visibility on the required capacity and the volume of operations that they are expected to make available adequate infrastructure, facilities and staff.

The proposal also clarifies under what circumstances coordinators could withdraw slots from air carriers.

The Commission could adopt delegated acts to further extend the period during which the relief applies if the COVID-19 pandemic is not resolved and continues to have a negative impact on the air transport sector, including on historical grandfather rights.

Temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic

The European Parliament adopted by 683 votes to 3, with 4 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic.

The proposed regulation aims at introducing specific rules and relief from the general slot utilisation rules for a limited period of time in order to mitigate the effects of the COVID-19 crisis on air traffic.

Parliament adopted its position at first reading in accordance with the ordinary legislative procedure by amending the Commission proposal as follows:

Slot allocation in response to the COVID-19 crisis

Due to the drop in passenger demand caused by the COVID-19 pandemic, the use-it-or-lose-it rule imposed by the Slot Regulation was suspended in March 2020 to prevent airlines from flying empty aircraft during the pandemic. This exemption expires on 27 March 2021.

For the period starting after more than one year of the abandonment of the use-it-or-lose-it rule (1 February 2020 to 27 March 2021), which preserves the 2019 acquired slots of air carriers until the end of the winter 2021/2022 scheduling season, the proposed regulation aims to establish a way to return to a normal application of the use-it-or-lose-it rule.

Thus, with the updated rules, airlines would have to use only 50% of their take-off and landing slots scheduled during the summer of 2021 (instead of the 80% required before the pandemic) in order to be able to retain them for the following season.

In addition, the European Commission could adopt, where strictly necessary to take account of the evolution of the impact of the COVID-19 crisis on air traffic levels, delegated acts to adjust the utilisation rate within a range of 30% to 70%.

Information for the coordinator

Air carriers operating or intending to operate at a schedule facilitated or coordinated airport shall submit to the schedules facilitator or coordinator respectively all relevant information requested by them. In particular, an air carrier should inform the coordinator, at the time of the request for allocation, whether it would benefit from the status of new entrant, in respect of requested slots.

Restrictive measures to combat the spread of COVID-19

The amended text clarifies that the negative consequences of possible measures, adopted by public authorities of Member States or third countries to combat the spread of COVID-19 and to restrict the ability to travel at very short notice, cannot be imputed to air carriers and should be mitigated where they have a significant impact on the viability of travel or the possibility to travel or on demand on the routes concerned.

This should include measures that result in:

- a partial or total closure of the border or airspace or a partial or total closure, or reduction in capacity, of the airports concerned,
- restrictions on airline crew movement significantly hindering the operation of air services, or
- a serious impediment to passengers ability to travel with any carrier on the route concerned, including travel restrictions, restrictions on movement or quarantine measures in the country or region of destination or restrictions on the availability of direct support services essential to the operation of an air service.

Specific relief from the effects of the imposition of such measures should be of limited duration and, in any event, should not exceed two consecutive scheduling periods.